

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

LANE BOURQUE,

Plaintiff,

§
§

versus

CIVIL ACTION NO. 1:06-CV-517

MITCH WOODS, *et al.*,

§
§

Defendants.

§

**MEMORANDUM ORDER PARTIALLY ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Lane Bourque, an inmate confined at the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed for failing to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

On September 23, 2008, plaintiff filed a motion to dismiss the above-styled lawsuit. As the defendants have not filed a response in this action, plaintiff is permitted to dismiss the action

pursuant to FED. R. Civ. P. 41(a). Accordingly, the report of the magistrate judge will be adopted to the extent it recommends dismissal.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED** to the extent it recommends dismissal. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

SIGNED at Beaumont, Texas, this 29th day of September, 2008.



MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE